REMARKS

Claims 1-3 and 5-34 are pending.

Claims 1-3, 5-8, 10-27, 29-31, 33, and 34 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Fung (US 5,396,635) in view of Kawata (US 6,076,171).

Claims 9, 28, and 32 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Fung (US 5,396,635) in view of Kawata (US 6,076,171), and further in view of Hawkins et al. (EP 0,708,398).

Changes in the Claims:

Claims 1, 7, 20, 24, 27, and 30 have been amended in this application to further particularly point out and distinctly claim subject matter regarded as the invention. No new matter has been added.

The amendments are supported by the originally filed specification, for example, at paragraph [0049].

Rejection under 35 USC §103(a) – claims 1-3, 5-8, 10-27, 29-31, 33, and 34

Claims 1-3, 5-8, 10-27, 29-31, 33, and 34 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Fung (US 5,396,635) in view of Kawata (US 6,076,171). This rejection is respectfully traversed.

Under MPEP §706.02(j), in order to establish a prima facie case of obviousness required for a §103 rejection, three basic criteria must be met: (1) there must be some suggestion or motivation either in the references or knowledge generally available to modify the reference or combine reference teachings (MPEP §2143.01), (2) a reasonable expectation of success (MPEP §2143.02), and (3) the prior art must teach or suggest all the claim limitations (MPEP §2143.03). See In re Royka, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974).

Applicant respectfully submits that the proposed combination of Fung and Kawata does not teach or suggest all of the claim limitations of claims 1-3, 5-8, 10-27, 29-31, 33, and 34.

Fung does not multiple power reduction levels dependent upon the activity of the computer system. However, as stated in the Office Action, Fung does not teach "operating the integrated circuit at the third state of performance for a period of time followed by a predefined period of time where the integrated circuit operates at the second state of performance based upon the detection of the user initiated event". Furthermore, Fung does not teach "wherein the second state is a thermal maximum performance state, and the third state is a maximum performance state" as presently claimed.

Kawata adjusting the CPU power based on the CPU busy ratio. As illustrated in FIGS. 5 and 12 of Kawata, when there is insufficient CPU power, the system raises the clock frequency. When there is excessive CPU power, the system lowers the clock frequency. Kawata is silent as to having a second state of performance being a thermal maximum performance state and a third state of performance being a maximum performance state. FIG. 5 of Kawata illustrates that the CPU power can vary anywhere between a minimum state of performance (minimum value) and a maximum state of performance (100%) when an operation by user is requested. See state 2 and 4 of FIG. 5. Thus, Kawate does not teach a thermal maximum performance state. In contrast, Claims 1-3, 5-8, 10-27, 29-31, 33, and 34 claim a thermal maximum performance state.

Applicant therefore submits that the rejection based the Fung and Kawata should be withdrawn. Thus, Applicant submits that claims 1-3, 5-8, 10-27, 29-31, 33, and 34 recite novel subject matter which distinguishes over any possible combination of Fung and Kawata.

Rejection under 35 USC §103(a) – claims 9, 28, and 32

Claims 9, 28, and 32 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Fung (US 5,396,635) in view of Kawata (US 6,076,171), and further in view of Hawkins et al. (EP 0,708,398). This rejection is respectfully traversed.

These rejections are respectfully traversed for at least the reason that each of the rejected claims ultimately depend on an above-discussed base claim. The arguments set forth above regarding the base claims are equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

Conclusion

For all of the above reasons, applicants submit that the amended claims are now in proper form, and that the amended claims all define patentable subject matter over the prior art. Therefore, Applicants submit that this application is now in condition for allowance.

Request for allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 5/15/2006

Thierry K. Lo
Reg. No. 49,097

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300